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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,811	07/31/2001	Joe N. Brown	AUS9200010367US1	4467

7590 08/26/2004
Kelly K. Kordzik
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Dallas, TX 75270

EXAMINER

FLEURANTIN, JEAN B

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/918,811

Applicant(s)

BROWN ET AL.

Examiner

JEAN B. FLEURANTIN

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-13 is/are allowed.
- 6) ☒ Claim(s) 14, 15, 18, 19, 21, 22, 25, 26, 28, 29, 32, 33 and 35 is/are rejected.
- 7) ☒ Claim(s) 16, 17, 20, 23, 24, 27, 30, 31 and 34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This is in response to Applicant(s) argument filed on 11/17/03, in which claims 1-35 remain pending.

Response to Arguments

2. Applicant's arguments, see Paper No. 3, filed 11/17/03, with respect to 1-35 have been fully considered and are persuasive. The rejection of claims 1-13 has been withdrawn. However, upon further consideration, claims 14, 15, 18, 19, 21, 22, 25, 26, 28, 29, 32, 33 and 35 are rejected based on a new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 14, 15, 18, 19, 21, 22, 25, 26, 28, 29, 32, 33 and 35 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent 6,701,464 issued to Austen et al. ("hereinafter Austen").

As per claim 14, Austen discloses, “A method for managing dynamic resource reassignment within a system comprising the steps of: determining first missing resources that are missing because of reassignment within said system” (see col. 1, lines 40-47); and

“updating a missing resource List by deleting any of said first missing resources which are included in said missing resource List” (see col. 2, lines 29-34).

As per claim 15, Austen discloses, “where in said determining step comprises: tagging said first missing resources in a system error log which are missing because of reassignment” (see col. 2, lines 29-34).

As per claim 18, Austen discloses, “wherein said dynamic resource reassignment occurs between logical partitions (LPARs) of said system” (see col. 2, lines 10-12).

As per claim 19, Austen discloses, “wherein said missing resources are tagged in response to reassignment from a first one of said LPARs of said system to a second one of said LPARs of said system” (see col. 2, lines 10-13).

As per claim 21, the limitations of claim 21 are rejected in the analysis of claim 14, and this claim is rejected on that basis.

As per claim 22, Austen discloses, “where in said determining step comprises: tagging said first missing resources in a system error log which are missing because of reassignment” (see col. 2, lines 29-34).

As per claim 25, Austen discloses, “wherein said dynamic resource reassignment occurs between logical partitions (LPARs) of said system” (see col. 2, lines 10-12).

As per claim 26, Austen discloses, “wherein said missing resources are tagged in response to reassignment from a first one of said LPARs of said system to a second one of said LPARs of said system” (see col. 2, lines 10-13).

As per claim 28, in addition to claim 14, Austen discloses, “a central processing unit (CPU) (see col. 3, lines 13-14);

“a random access memory (RAM)” (see col. 3, lines 14-15);

“a read only memory (ROM)” (see col. 2, line 16);

“an I/O adapter; and a bus system coupling said CPUs to said ROM, said I/O adapter, and said RAM” (see col. 2, lines 20-34).

As per claim 29, the limitations of claim 29 are rejected in the analysis of claim 15, and this claim is rejected on that basis.

As per claim 32, the limitations of claim 32 are rejected in the analysis of claim 18, and this claim is rejected on that basis.

As per claim 33, the limitations of claim 33 are rejected in the analysis of claim 26, and this claim is rejected on that basis.

As per claim 35, the limitations of claim 35 are rejected in the analysis of claim 25, and this claim is rejected on that basis.

Allowable Subject Matter

4. Claims 16, 17, 20, 23, 24, 27, 30, 31 and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 1-13 are allowed over the prior art of record.

The following is an examiner's statement of reasons for allowance:

With respect to claims 1-13, the claimed features "querying a configuration database in said system for resources identified as missing resources and adding said missing resources to a missing resource List as second missing resources" in conjunction with other elements of the independent claims would not found anticipated or obvious over the prior art made of record.

The dependent claims, being definite, further limiting, and fully enabled by the specification are also allowed.

CONTACT INFORMATION

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEAN B. FLEURANTIN whose telephone number is 703 - 308-6718. The examiner can normally be reached on 7:05 to 4:35.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN E BREENE can be reached on 703 - 305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jean Bolte Fleurantin

August 22, 2004


SHAHIN ALAM
PRIMARY EXAMINER